

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	}	NO. CR-13-0052-WFN-1
Plaintiff,		
-vs-		ORDER
MAXWELL DELVON JONES,		
Defendant.	}	

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A pretrial conference and motion hearing was held September 12, 2013. The Defendant, who is in custody, was present and represented by Carl Oreskovich; Assistant United States Attorney Timothy Ohms represented the Government. The Government advised the Court that it planned to present a new count—felon in possession—for indictment to the next grand jury.

The Court has reviewed the file and pending motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that:

1. Due to a scheduling conflict on September 30, 2013, the Court requires that the trial date of September 30, 2013 be **STRICKEN and RESET to October 1, 2013, at 1:00 p.m., in Spokane, Washington.**

2. The final pretrial conference and motion hearing of September 30, 2013 is **STRICKEN and RESET to October 1, 2013, at 11:00 a.m., in Spokane, Washington.**

3. Defendant's Motion and Memorandum to Sever Counts, filed July 26, 2013, **ECF No. 30**, is **GRANTED**. Counts 1 and 2 shall be tried separately. Trial on Count 1 shall

1 begin on October 1, 2013. It is the Court's understanding that, if and when the Government  
2 files a superseding indictment charging Defendant with Count 3, Counts 2 and 3 shall be  
3 tried together.

4 4. The Court **RESERVES RULING** on Defendant's Motion in Limine and  
5 Memorandum in Support Thereof, filed August 16, 2013, **ECF No. 40**.

6 5. The Government's oral motion for a protective order is **DENIED**. However,  
7 the Court reminds Defendant and defense counsel that any attempt to contact potential  
8 witnesses with the intent to intimidate or discourage testimony will be viewed as obstruction  
9 of justice by the Court.

10 6. If an additional pretrial conference is necessary, the parties shall contact the Court's  
11 staff to schedule a hearing.

12 7. Trial briefs, motions in limine, requested voir dire and a set of proposed **JOINT**  
13 **JURY INSTRUCTIONS** shall be filed and served on or before **September 20, 2013**.

14 Jury instructions should only address issues that are unique to this case, and shall  
15 include instructions regarding the elements of each claim, any necessary definitions and a  
16 proposed verdict form.

17 The Joint Proposed Jury Instructions shall include:

18 (a) The instructions on which the parties agree; and

19 (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed  
20 version of an instruction upon which they do not agree). All jury instructions from the most  
21 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by  
22 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements  
23 of LR 51.1(c).

24 Each party shall address any objections they have to instructions proposed by any  
25 other party in a memorandum. The parties shall identify the specific portion of any proposed  
26 instruction to which they object and shall elaborate the basis for the objection. Objections

1 asserting that an instruction sets forth an incorrect statement of law shall describe the legal  
2 authority that supports this objection. Failure to file an objection and supporting argument  
3 may be construed as consent to the adoption of an instruction proposed by another party.

4 8. The parties are requested to submit courtesy copies of witness and exhibit lists to  
5 the Court no later than **12:00 noon the Thursday before trial.**

6 The District Court Executive is directed to file this Order and provide copies to  
7 counsel.

8 **DATED** this 12th day of September, 2013.

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10  
11 09-12-13

s/ Wm. Fremming Nielsen  
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WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE